

Agricultural Marketing Service, USDA

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as Scotch Spearmint), *Spicata* (commonly referred to as Native Spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Oil shall be segregated into the following classes:

Class 1: Oil extracted from the first cutting of Scotch Spearmint.

Class 2: Oil extracted from the second cutting of Scotch Spearmint.

Class 3: Oil extracted from Native Spearmint.

Class 4: Oil which has a spearmint flavor, extracted from plants other than Scotch or Native Spearmint.

The Committee, with the approval of the Secretary, may change these classes to recognize new, or delete obsolete, classes.

§ 985.5 Production area.

Production area means all the area within the States of Washington, Idaho, Oregon, and that portion of Nevada north of the 37th parallel and that portion of Utah west of the 111th meridian. The area shall be divided into the following districts:

- (a) District 1. State of Washington
- (b) District 2. The State of Idaho and that portion of the States of Nevada and Utah included in the production area.
- (c) District 3. The State of Oregon.

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§ 985.6 Producer.

Producer is synonymous with *grower* and means any person engaged in a proprietary capacity in the commercial production of oil or who causes it to be produced.

§ 985.7 Handler.

Handler means any person who handles oil.

§ 985.8 Handle.

Handle means to prepare oil for market, acquire oil from a producer, use oil commercially of own production, or sell, transport, or ship (except as a common or contract carrier of oil owned by another), or otherwise place oil into the current of commerce within the production area or from the area to points outside thereof: *Provided*, That (a) the preparation for market of salable oil by producers who are not

dealers or users, (b) the sale or transportation of salable oil by a producer to a handler of record within the production area, or (c) the transfer of excess oil by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, or (d) the delivery of excess oil by the producer to the Committee or its designees, shall not be construed as handling.

§ 985.9 Marketing year.

Marketing year means the 12 months from June 1 to the following May 31, inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ 985.10 Crop.

Crop means that oil produced by a producer during the marketing year.

§ 985.11 Salable oil.

Salable oil means that oil which is free to be handled.

§ 985.12 Salable quantity.

Salable quantity means the total quantity of each class of oil which handlers may purchase from, or handle on behalf of, producers during a marketing year.

§ 985.13 Annual allotment.

Annual allotment means that portion of the salable quantity prorated to a producer.

§ 985.14 Part and subpart.

Part means the order regulating the handling of oil grown in the production area, and all rules and regulations issued thereunder. The order shall be a *subpart* of such part.

ADMINISTRATIVE COMMITTEE

§ 985.20 Establishment and membership.

A Spearmint Oil Administrative Committee is hereby established (hereinafter referred to as *Committee*) and shall consist of eight members, each of whom shall have an alternate, to administer the terms and provisions of this part. Four of the members and alternates shall be producers in District 1; two members and alternates shall be

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producers in District 2; and one member and alternate shall be a producer in District 3. One member and alternate shall represent the public.

§ 985.21 Eligibility.

Each member and alternate member of the Committee shall be, at the time of selection and during the term of office, a producer, or an officer or employee of a producer, in the district for which selected: *Provided*, That these requirements should not apply to the public member and alternate member.

§ 985.22 Term of office.

The term of office of each member and alternate member of the Committee shall be for two calendar years: *Provided*, That one-half of the initial members and alternates shall serve for terms ending December 31, 1980, and one-half of the initial members and alternates shall serve for terms ending December 31, 1981. Members and alternates shall serve in such capacity for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. No member shall serve more than two consecutive terms as member and no alternate shall serve more than two consecutive terms as alternate.

§ 985.23 Nominations.

(a) *Procedure*. (1) Nominations for producer members of the Committee and their alternates shall be made at nomination meetings of producers in each District. Such meetings shall be held at such times (on or before November 1 of each year) and places as the Committee shall designate. One nominee shall be elected for each position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than December 1 of each year.

(2) Only producers, including duly authorized officers or employees of producers present and eligible to serve as producer members of the Committee, shall participate in the nomination. If a producer produces oil in more than one district, the producer shall select the district in which that producer will participate and notify the Committee of the choice.

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(3) Should the Committee find it impractical to hold nomination meetings, nominations may be submitted to the Secretary based on the results of balloting by mail. Ballots to be used may contain the names of candidates and a blank space for write-in candidates for each position, together with voting instructions. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position.

(4) The producer members of the Committee shall nominate the public member and alternate and member at the first meeting following the selection of members for a new term of office.

(b) *Initial members*. As soon as practicable following the effective date of this subpart, the Secretary shall hold, or cause to be held, nomination meetings of producers in each district to nominate the initial members of the Committee.

(c) The Committee with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

§ 985.24 Selection.

Committee members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

§ 985.25 Alternate members.

An alternate for a member shall act in the place of such member (a) in the member's absence, (b) in the event of the member's death, removal, resignation, or disqualification, until a successor for the member's unexpired term has been selected and has qualified, or (c) when requested and designated by the member.

§ 985.26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Committee to qualify, or in the